

MISSING PERSONS ACT, GENERAL REVISION

(DOD 84-125)

OSD DECLASSIFICATION/RELEASE
INSTRUCTIONS ON FILE

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A Bill, "To amend further the Missing Persons Act, as amended."

Special Explanation for the Bureau of the Budget

new July 56
The current authority under the Missing Persons Act, as amended, expires July 1, 1955. The attached legislative proposal which would amend and make permanent the Missing Persons Act is submitted as a part of the Department of Defense Legislative Program for 1955.

7. The purpose of this proposed Missing Persons legislation is to provide permanent authority for the heads of military or other Government departments to (1) continue the pay and allowances of military and civilian personnel during periods of absence from their posts of duty while in a missing status; (2) provide, at Government expense, for the movement of dependents and storage and transportation of the household and personal effects of an individual in a missing status; (3) initiate and discontinue allowances for the dependents of such missing personnel; and (4) make presumptive findings of death and other determinations under certain circumstances. In addition, the proposal would extend the benefits of the Missing Persons Act to include part-time, hourly, and intermittent employees of the Government during such time as they may be assigned to duties in Alaska or outside the continental United States. Native employees who are residents of the places of their employment also would be extended the benefits of the proposed Act if the department head concerned determines that the missing status was the proximate result of employment by the department. The proposal also would extend to any military member while in a missing status, normal promotion opportunities. The proposed legislation would be retroactive to coincide with the effective date of the Selective Service Act of 1948 (June 24, 1948).

The Department of Defense on October 5, 1953, submitted to the Bureau of the Budget, proposed legislation similar to the attached proposal. The Bureau of the Budget, by letter dated June 1, 1954, and by further advices given in a conference on September 1, 1954, conditionally cleared the proposal of October 5, 1953, subject to adoption of a substitute draft of section 1(c) of the bill concerning transportation, storage, the sale of certain personal property of an individual in a missing status when an emergency exists, and extension of coverage under the proposed Act to include persons on training duty who enter a missing status as a result of performance of prescribed duty ordered by competent authority.

The attached draft of bill adopts the advices of the Bureau of the Budget of June 1, 1954, and September 1, 1954. In addition to minor

technical changes, section 1(c) of the attached draft of bill would limit the discretionary authority granted the head of the department concerned, where the sale of personal property of an individual in a missing status is involved, by the requirement that, if practicable, a reasonable effort shall be made to determine the desires of the interested persons prior to any such sale. While your previous advices in regard to this proposal did not recommend such a limitation upon the discretionary authority of the head of the department concerned with the sale of personal property of a missing person, it is believed appropriate that such a limitation be included in the bill.

1 Attachment
Draft of bill